

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOHN C. FREUDENBERG, LAURENT BARBOU,
JULIEN BLAIR, CHARLES BORGER, ROBERT
D'ELIA, and KEITH WILKEN,

Plaintiffs,

- against -

MEDISYS MANAGEMENT LLC d/b/a MEDISYS
HEALTH NETWORK, THE JAMAICA HOSPITAL,
BROOKDALE UNIVERSITY HOSPITAL AND
MEDICAL CENTER, and FLUSHING HOSPITAL
MEDICAL CENTER,

Defendants.

EFC CASE

CV-12-2770 (ILG) (CLP)

ANSWER

Defendant Brookdale University Hospital and Medical Center ("Brookdale"), by
Epstein Becker & Green, P.C., its attorneys, for its answer to the complaint:

1. Denies the allegations of paragraph 1 and 2, except plaintiffs purport to bring this action pursuant to the Fair Labor Standards Act ("FLSA") and the New York Labor Law ("NYLL") in which they seek damages and attorneys' fees.
2. States that paragraphs 3 and 4 set forth conclusions of law as to which a response is not required, except Brookdale is located in this District.
3. States that it lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 5, except John C. Freudenberg was employed by Brookdale from January 28, 2001 to May 4, 2003.
4. States that it lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 6, except Laurent Barbou has been employed by Brookdale since November 9, 2009.

5. States that it lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 7, except Julien Blair has been employed on a per diem basis by Brookdale since April 3, 2006.

6. States that it lacks knowledge or information sufficient to form a belief as to the allegations of paragraphs 8 and 9, except denies it employed or employs Charles Borgen or Robert D'Elia.

7. States that it lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 10, except that Keith Wilken has been employed by Brookdale since August 18, 2003.

8. States that paragraph 11 sets forth a conclusion of law as to which a response is not required, except denies that all of the plaintiffs were Brookdale's employees and are eligible for overtime compensation.

9. States that it lacks knowledge or information sufficient to form a belief as to the allegations of paragraphs 12, 14, 15, 21, 22 and 24.

10. Denies the allegations of paragraphs 16, 17, 18, 19, 20, 23, 25, 26, 28, 29, 30, 31, 34, 35, 36, 39, 40 and 41.

11. States that paragraphs 27, 33 and 38 set forth conclusions of law as to which a response is not required.

First Defense

12. The plaintiffs who were employed by Brookdale were properly classified as exempt under the FLSA and regulations thereunder and under the NYLL.

Second Defense

13. The plaintiffs who were employed by Brookdale were properly paid for all hours they worked.

Third Defense

14. Brookdale compensated its employees in good faith and with a reasonable basis to believe they were properly classified as exempt in compliance with the FLSA and the NYLL.

Fourth Defense

15. The complaint fails to state a claim upon which relief can be granted.

Fifth Defense

16. Brookdale paid plaintiffs all compensation that was due to them.

Sixth Defense

17. This action is barred in whole or in part by the applicable statute of limitations.

Seventh Defense

18. Any overtime payments to which plaintiffs may be entitled are *de minimis*, 29 C.F.R. § 785.47.

WHEREFORE defendant Brookdale University Hospital and Medical Center demands judgment dismissing the complaint, awarding it the costs and disbursements of this action, and granting such other and further relief as the Court may deem just and proper.

New York, New York
August 8, 2012

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